ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them	)	PR Docket No. 92-235

COMMENTS OF AZCOM PAGING, INC.

AzCOM Paging, Inc. (AzCOM), by its attorneys, and pursuant to Section 1.415(a) of the Commission's rules, submits these comments in response to the Notice of Proposed Rule Making (NPRM) released by the Commission in the captioned proceeding on November 6, 1992.

effective radiated power (ERP), thereby drastically constricting the geographic areas served by existing transmitters. Eight of AzCOM's ten transmitters for the above call signs are licensed for an ERP ranging from 1000 watts to 1800 watts. Since they are located at least 590 feet above average terrain, all ten transmitters would be forced to reduce ERP to 5 watts in order to comply with the proposed Part 88 rules cited above. A contours map of AzCOM's currently licensed coverage for the Phoenix, Arizona market, as well as the projected coverage under proposed rules, is attached hereto at Attachment A.

THE COMMISSION SHOULD RETAIN EXISTING OUTPUT POWER LIMITS

Currently, the maximum allowed output power on the Business Radio Service paging frequency 462.775 MHz is 350 watts, with no limit on maximum effective radiated power (ERP). 47 C.F.R. §§ 90.75(c)(10), 90.205(b) (1992). This is consistent with the general power restrictions currently applicable to this band. 47 C.F.R. § 90.205(b). Many paging stations, including AzCOM's, achieve an ERP of 1000 watts or more by use of high gain antennas, and further expand service areas through transmitter sites with a significant height above average terrain (HAAT). Due to the heavy demand for good sites, and limited site availability, leases for antenna locations with significant HAAT have become expensive.

Proposed Part 88 rules would drastically cut allowed ERP for most frequencies according to a sliding scale of HAAT.

According to the draft rules, these general power restrictions would apply to one-way page only frequencies, as well as the

frequencies. Second, such restriction of power for paging would contradict general spectrum management goals articulated by the Communications Act of 1934, as amended, as well as contradicting refarming objectives. Finally, the public interest would be served by continuing existing power restrictions, since current rules would further the purpose of paging frequencies.

A. Proposed restrictions on power for paging stations lack basis and purpose.

The Commission based its proposed Part 88 power limitations on the beliefs that there is a widespread problem with "over-powered" systems, and that limiting ERP would facilitate spectrum reuse and exclusivity. NPRM, 7 FCC Rcd. at 8112 - 3. Even if these bases were correct in other contexts, and AzCOM Paging doubts they are, neither basis applies to the one-way shared use paging only frequencies. There is not a widespread problem with "over-powered" paging stations. The NPRM quotes State of California comments citing "a small town of three square miles operat[ing] 250 watt base stations" as support for the questionable proposition that "many current licensees use far more power than necessary." 7 FCC Rcd. at 8112.

However, by its very nature, private carrier paging service requires high power. Much of the dramatic growth in paging has been due to small highly portable pocket or clip units that receive pages almost everywhere the customer goes. High power is necessary to send a paging signal almost

everywhere within a market such as the Phoenix market, or the statewide Arizona market. Many paging customers must receive

Commission's conspicuous policy has been to retain shared use of current Business Radio Service paging frequencies, the exclusivity rationale for Part 88 proposals would not serve as a basis for further power restrictions. Since proposed Part 88 power restrictions are premised upon exclusivity, and since the Commission has not seen fit to award exclusivity, there is no reason to restrict power.

Therefore, neither of the stated bases for proposed Part 88 power restrictions apply to AzCOM's paging frequency. The first sentence of proposed Rule Section 88.1067 lacks the "basis and purpose" necessary to reasoned rule making. See 5 U.S.C. § 553(c); Independent U.S. Tanker Owners Committee

[redacted]

users" and "provide services to the largest feasible number of users." 47 U.S.C. § 332. Finally, the Commission recently was reminded in another context to take into account the "far reaching economic, social or personal consequences"

Moreover, proposed power restrictions on paging frequencies contradict the purposes of refarming, which is to promote more efficient use of the PLMR bands below 512 MHz. NPRM, 7 FCC Rcd. at 8105. Rather than enhancing efficiency, proposed power restrictions on paging stations actually would reduce it. Reducing AzCOM's contours, and requiring construction of new transmitters would not encourage new licensees to use the channel, either within AzCOM's existing service area, or geographically adjacent to it. The frequency would not get any greater use outside of AzCOM's existing contours, since that area is sparsely populated, and does not have the customer base to support a paging operation. Moreover, raising the cost of providing paging service in Phoenix, Arizona only would discourage new entrants into that market. Thus, it would be less likely that the frequency would get any greater use within AzCOM's existing service area. The proposed power restriction actually introduces spectrum inefficiency.

The Commission recently recognized that "introducing these new [power restrictions] would be difficult." Private Radio Bureau Clarifies Key Refarming Issues, Public Notice (Mimeo No. 31969, released March 1, 1993) at page 4. The Commission recognized that special provisions for wide area and rural needs may be appropriate and solicited industry input on this issue. Id. As noted above, paging systems inherently need wide area coverage. Moreover, much of

AzCOM's paging service extends into rural areas. It is respectfully submitted that a wide area or rural power exception would be appropriate, indeed necessary to the continued profitability of paging services such as AzCOM.

Since the proposed power restrictions for paging stations contradict congressional intent, and regulatory purposes, they should be abandoned.

C. Retaining existing power limits would be in the public interest.

Perhaps the best response to the proposed power restrictions on paging stations is, "if it's not broken, don't fix it." The paging services surely rank among the most vibrant and competitive of all land mobile services. In particular, the public interest has been well served by the introduction and remarkable success of private carrier and internal use paging that can be licensed on 462.775 MHz. This success argues in favor of retention of the status quo, absent any dramatic efficiencies that hypothetically might be gained from change. Yet no efficiency gains are projected in private carrier paging. As noted above, restricting ERP in this frequency would generate inefficiency, not any gains in spectrum usage. Moreover, with the exception of onerous power restrictions, none of the other major refarming initiatives has been proposed for this frequency. For example, the Commission does not propose to split the frequency's bandwidth, nor is exclusivity proposed. Only the

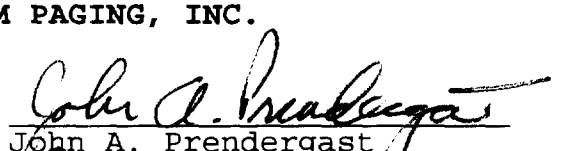
power restriction has been proposed, which would make less efficient spectrum use.

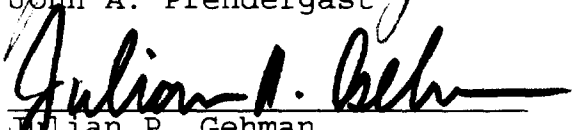
Therefore, the public interest would be served by continuation of the very competitive market in paging under current power limitations.

WHEREFORE, it is respectfully requested that the first sentence of proposed Rule Section 88.1067 be changed to read, "With the following exceptions, maximum output power on paging frequencies is limited to 350 watts, with no limit on effective radiated power."

Respectfully Submitted,

AZCOM PAGING, INC.

By 
John A. Prendergast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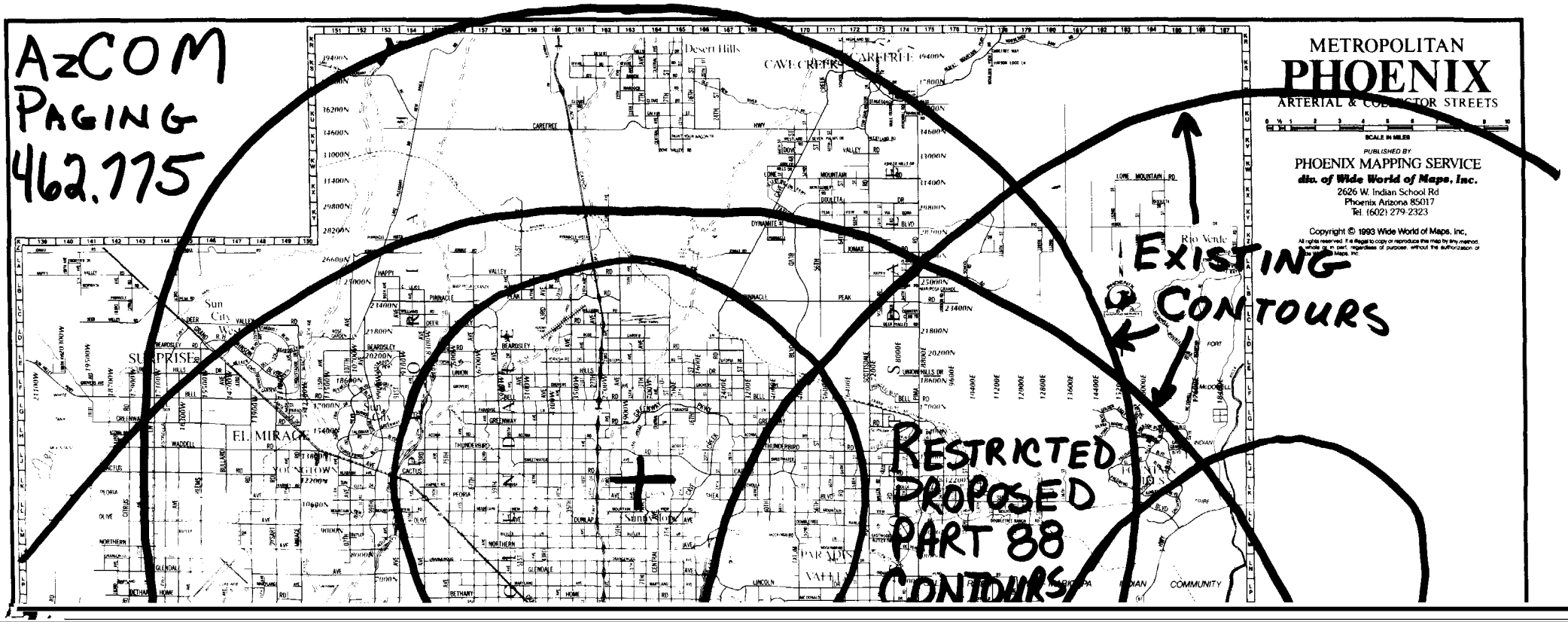
ATTACHMENT A


AzCOM
PAGING
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EXISTING
CONTOURS
RESTRICTED
PROPOSED
PART 88
CONTOURS

STATEMENT

I, John Huls, President of Signal Communication Services, Inc. of Phoenix, Arizona, have 12 years experience in the Radio Telecommunication industry, including the design of numerous paging and Specialized Mobile Radio (SMR) systems located throughout the United States. I have prepared the foregoing contour map for three transmitters of call sign WNBU491, operated by AzCOM Paging, Inc. As such, I have the knowledge to advise the Federal Communications Commission on the following matters:

1. The contours represented on the foregoing map were calculated using and eight radial, 43 Dbu signal level, Carey Propagation Curves. Digitized, 3 second terrain data was used. This is a standard calculation in the paging industry.

2. The Existing Contours were calculated with currently licensed effective radiated power (ERP) of 1400, 1125 and 1425 Watts for transmitter locations one, two, and three respectively of Station WBU491. The Restricted Proposed Part 88 Contours were calculated with an ERP of 5 Watts, as would be required by proposed Rule Section 88.1067 since all three locations have a height above average terrain (HAAT) of greater than 590 feet.

3. The contours represented on the foregoing map show street level coverage for both Existing Contours, and the Restricted Proposed Part 88 Contours. The corresponding contours for penetration inside buildings in the Phoenix area would be smaller.

4. Based upon the foregoing contours map, I estimate that in order to comply with the proposed Rule Section 88.1067 power restrictions, AzCOM Paging would have to place and additional seven transmitters in the Phoenix Area to duplicate its existing coverage for Station WNBU491.

5. It is vitally important AzCOM's paging signals reach business customers located inside parking garages, office buildings and hospitals in the Phoenix area. In order to accomplish this with the proposed power limitations, additional transmitters would have to be placed in the Phoenix Area, just to boost inside coverage, and not to expand coverage in any geographic area.

DECLARATION

I, John Huls, President of Signal Communication Services, Inc., P.O. Box 63501, Phoenix, Arizona, 85082 hereby declare under penalty of perjury under the laws of the United States, except with regard to those facts of which official notice may be taken, that the foregoing statement is true and correct to the best of my knowledge.

Dated, this 27th day of May, 1993.

John Huls